

PART A OF THE SUPPORTING STATEMENT

1. Identification of the Information Collection

a. Title and Number of the Information Collection

"Recordkeeping and Reporting Requirements for the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Publicly Owned Treatment Works (POTW) Facilities." This is an extension of a currently approved information collection request (ICR) and has been assigned EPA tracking number 1891.02.

b. Short Characterization

This ICR is prepared for a U.S. Environmental Protection Agency (EPA) rulemaking developed under authority of §112 of the Clean Air Act (CAA). The rulemaking amends title 40, chapter I, part 63 of the Code of Federal Regulations (CFR) by adding a new subpart VVV -- National Emission Standards for Hazardous Air Pollutants from Publicly Owned Treatment Works (POTW) Facilities. Hereafter, this subpart is referred to as the "POTW NESHAP". The POTW NESHAP includes standards for major sources of hazardous air pollutants (HAP). Respondents are owners or operators of waste water treatment processes and operations in the POTW source category.

This ICR is for major HAP emission sources in the POTW source category. The POTW NESHAP does not specify any requirements for existing major sources of HAP emissions. Therefore, no existing facilities were subject to the provisions of the POTW NESHAP. In the previous ICR submission, no new (projected) facilities were anticipated to be subject the provisions of this NESHAP in the first three years after promulgation. This projection was based on consultations with numerous POTW representatives listed below in paragraph 5.b. During regulation development, the Association of Metropolitan Sewerage Agencies had indicated that no new major POTW were projected to be constructed during the period from 1998 to 2003. Although no new major POTW facilities were anticipated to be subject to this POTW NESHAP through 2003, the previous ICR supporting statement was completed assuming one new major source POTW, in the event that new major source POTWs might be identified. The Air Program office, the Office of Air Quality Planning and standards (OAQPS), believes that there are currently six major source POTW subject to this regulation. OAQPS does not expect any new major POTW facilities from 2003 to 2008. Therefore, this supporting statement has been prepared using six major source POTW subject to the POTW NESHAP.

All new sources must be in compliance with the POTW NESHAP upon startup or the promulgation date, whichever is later. Owners and operators of affected sources are subject to the requirements of 40 CFR Part 63, Subpart A, the General Provisions, unless the regulation specifies otherwise.

For sources constructed or reconstructed after the effective date of the relevant standard, the POTW NESHAP requires that the source submit an application for approval of construction or reconstruction. The application is required to contain information on the air pollution control that will be used for

each potential HAP emission point.

The information in the initial notification and the application for construction or reconstruction will enable enforcement personnel to identify the number of sources subject to the standards and to identify those sources that are already in compliance.

Generally, respondents are required to submit one-time reports of (1) start of construction for new facilities and (2) anticipated and actual start-up dates for new facilities. All records are to be maintained by the source for a period of at least 5 years.

The POTW NESHAP also requires affected sources to submit a notification of compliance status. This notification must be signed by a responsible company official who certifies its accuracy and certifies that the source has complied with the standards. The notification of compliance status must be submitted within 180 days after the compliance date for the affected source.

All reports are submitted to the respondent's State agency, if it has an approved Title V permit program implementation authority, or the appropriate EPA Regional Office.

2. Need For and Use of the Collection

a. Need/Authority for the Collection

Section 112 of the CAA requires that the EPA establish standards to limit emissions of HAP from stationary sources. The HAP emission points in the POTW industry that may be subject to the proposed rule can potentially emit 8 or more of the 188 HAP listed in §112 of the CAA.

Section 114 of the CAA gives the EPA authority to collect data and information necessary to enforce standards established under §112 of the CAA. Certain records and reports are necessary to enable the Administrator to (1) identify new sources subject to the POTW NESHAP and (2) ensure that the POTW NESHAP, which are based on maximum achievable control technology (MACT) for major sources, are being achieved.

b. Use/Users of the Data

The information will be used by the EPA's enforcement personnel to (1) identify new HAP emission points subject to the POTW NESHAP, (2) identify the emission control devices and control methodologies being applied, and (3) ensure that the emission control devices and control methodologies are being properly operated and maintained on a continuous basis.

In addition, records and reports are necessary to enable the EPA to identify the facilities that may not be in compliance with the POTW NESHAP. Based on reported information, the EPA can decide which facilities should be inspected and what records or processes should be inspected at the facilities. The records that facilities maintain indicate to the EPA whether facility personnel are operating and maintaining emission control devices and control methodologies properly.

3. The Respondents and the Information Requested

a. Respondents/SIC and NAICS Codes

Respondents are owners or operators of HAP-emitting processes and operations associated with wastewater treatment

units up to, but not including, the secondary influent pumping station or the secondary treatment units, of the POTW source category. The processes and operations that are likely to be subject to the POTW NESHAP are classified in the four-digit Standard Industrial Classification (SIC) Code 4952 for "Sewerage Systems". The corresponding North American Industrial Classification System (NAICS) code is 221320. However, not all processes classified in these SIC and NAICS codes are regulated by the POTW NESHAP.

b. Information Requested

Each owner and operator of an affected source is required by the regulation to comply with the requirements summarized below.

i. General Standards. The POTW NESHAP requires the owner or operator of a new major source to reduce HAP emissions from processes and operations associated with waste water treatment units up to, but not including, the secondary influent pumping station or the secondary treatment units, through the application of air pollution control equipment or pollution prevention measures.

ii. Standards for Waste Water Treatment Units. All processes and operations at new major source POTW treatment units up to, but not including, the secondary influent pumping station or the secondary treatment units, are required to be controlled. There are no POTW NESHAP requirements for existing major sources.

For each major source process or operation required to use air emission controls, the owner or operator is required to cover each process unit. In addition, all covered units, except primary clarifiers, must have the air in the headspace ducted to a control device in accordance with 40 CFR 63 subpart DD – National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations, §63.693 standards for closed-vent systems and control devices. Pollution prevention measures, such as pretreatment, wastewater treatment plant modifications, and control devices, that reduce the amount of HAP emissions generated are allowed as an alternative provided they achieve the required emission reduction.

iii. Air Emission Control Equipment Requirements. General design, performance, and operating requirements are specified for each cover installed by the owner or operator. Each cover must be designed, operated, and maintained to minimize ventilation from under the cover, and to minimize HAP emissions. Control devices are required to operate in accordance with 40 CFR 63 subpart DD – National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations, §63.693 standards for closed-vent systems and control devices.

iv. Test Methods and Procedures. The owner or operator must determine that the covers are designed, operated, and maintained with minimal emissions by visual inspection and operational procedures. Procedures for demonstrating compliance with the HAP reduction efficiency of control devices are consistent with procedures specified in other existing NESHAPs.

If using the alternative to the equipment standard, the owner or operator must determine and document that the reduction

in annual emissions meets or exceeds the emission reduction specified in the POTW NESHAP.

v. Monitoring and Inspection Requirements. The POTW NESHAP requires the owner or operator to periodically inspect covers on waste water treatment units. Visual inspections are required for all covers to ensure covers, hatches, access covers, gaskets, and seals are in good condition.

vi. Recordkeeping and Reporting Requirements. The POTW NESHAP requires that the owner or operator of each new major source maintain certain records and submit certain reports as specified in the NESHAP, and in the General Provisions (40 CFR 63 subpart A). These are described in more detail in section 1(b) of this ICR.

c. Respondent Activities

No respondent activities are required for major sources existing prior to the regulation. For each ongoing year of reporting, respondent activities for major sources subject to the regulation, as noted in section 1(b), are shown in the first column of Table 1,. As noted in section 1(b), no new major sources are expected in the years 2003 through 2008.

4. The Information Collected--Agency Activities, Collection Methodology, and Information Management

a. Agency Activities

A list of the EPA's activities for each ongoing year of information collection is provided in Table 2, which is introduced in section 6(c).

b. Collection Methodology and Management

Information contained in the one-time only reports will be entered into the Aerometric Information Retrieval System (AIRS) Facility Subsystem (AFS) that is maintained and operated by the EPA's Office of Air Quality Planning and Standards (OAQPS). Data obtained during periodic visits by EPA personnel from records maintained by the respondents will be tabulated and published for internal EPA use in compliance and enforcement programs.

c. Small Entity Flexibility

Minimizing the information collection burden for all sizes of organizations is a continuing effort on the EPA's part. The EPA has included provisions for size and emissions cutoff that reduce the number of smaller sources from being subject to the NESHAP. The EPA has reduced the recordkeeping and reporting requirements to include only the information needed by the EPA to determine compliance with the POTW NESHAP.

d. Collection Schedule

Collection of data will begin after promulgation of the POTW NESHAP, scheduled for October 1999. The schedule for reports required by the POTW NESHAP is detailed below.

No initial notification is required by existing major sources, because the regulation requires no additional controls for existing major sources. For new sources, it is due no later than 120 days after initial startup of the source. The notification of compliance status is to be submitted 180 days following the compliance date of the regulation.

5. Nonduplication, Consultations, and Other Collection Criteria

a. Nonduplication

A search of the EPA's existing standards and ongoing ICRs revealed no duplication of information gathering efforts. However, certain reports required by State or local agencies may duplicate information required by the POTW NESHAP. In such cases, a copy of the report submitted to the State or local agency can be provided to the Administrator in lieu of the report required by the POTW NESHAP.

b. Consultations

Consultations with numerous representatives of POTW and the Association of Metropolitan Sewerage Agencies (AMSA), the primary industry trade association, and with State and local air pollution control agencies, were conducted throughout the development of the POTW NESHAP. The following persons provided input during development of the rule:

<u>Name</u>	<u>Affiliation</u>	<u>Telephone</u>
Greg Adams	Los Angeles County Sanitation Districts	(310) 699-7411
Robert Ferrante	Los Angeles County Sanitation Districts	(310) 699-7411
Randy Frazier	Bay Area AQMD, San Francisco, CA	(415) 749-4672
Gina Friedman	DEM, Rhode Island	(401) 277-2808
Karen Granata	Toledo Environmental Services Division	(419) 697-5129
Sam Hadeed	AMSA	(202) 833-4655
Ken Kirk	AMSA	(202) 833-4653
Hank Naour	Bureau of Air, Illinois EPA	(217) 785 1716
Alan Newman	Air Quality Program, Washington State	(206) 407-6810
Ed Torres	Orange County (California) Sanitation Districts	(714) 962-2411
Dave Zenz	Metropolitan Water District, Chicago	(708) 222-4060

A 45-day public comment period was provided after proposal, during which all affected parties were given the opportunity to comment on the POTW NESHAP. All comments that were received were considered and some changes in response to comments are reflected in the final POTW NESHAP.

c. Effects of Less Frequent Collection

If the relevant information were collected less frequently, the EPA would not be reasonably assured that a source is in compliance with the POTW NESHAP. In addition, the EPA's authority to take administrative action is reduced significantly.

Section 113(d) of the CAA limits the assessment of administrative penalties to violations which occur no more than 12 months before initiation of the administrative proceeding. Since administrative proceedings are less costly and require use of fewer resources than judicial proceedings, both the EPA and the regulated community benefit from preservation of the EPA's administrative powers.

d. General Guidelines

The POTW NESHAP requires that facility owners or operators retain records for a period of five years, which exceeds the three year retention period contained in the guidelines in 5 CFR

1320.6. The five year retention period is consistent with the provisions of the General Provisions of 40 CFR Part 63, and with the five year records retention requirement in the operating permit program under Title V of the CAA.

e. Confidentiality and Sensitive Questions

I. Confidentiality. All information submitted to the EPA for which a claim of confidentiality is made will be safeguarded according to the EPA policies set forth in Title 40, Chapter 1, Part 2, Subpart B, Confidentiality of Business Information. See 40 CFR 2; 41 FR 36902, September 1, 1976; amended by 43 FR 3999, September 8, 1978; 43 FR 42251, September 28, 1978; and 44 FR 17674, March 23, 1979. Even where the EPA has determined that data received in response to an ICR is eligible for confidential treatment under 40 CFR Part 2, Subpart B, the EPA may nonetheless disclose the information if it is "relevant in any proceeding" under the statute [42 U.S.C. §7414 (C); 40 CFR 2.301 (g)]. The information collection complies with the Privacy Act of 1974 and Office of Management and Budget (OMB) Circular 108.

ii. Sensitive Questions. Information to be reported consists of emission control data and other information that are not of a sensitive nature. No sensitive personal or proprietary data are being collected.

6. Estimating Burden and Cost of the Collection

a. Estimating Respondent Burden

The POTW NESHAP requires no additional control requirements for existing major sources. Therefore, the existing major source annual burden estimates for recordkeeping and reporting are zero. The annual burden estimates for recordkeeping and reporting for major sources subject to the rule for each ongoing year are presented in Table 1. The ongoing annual major source estimates are based on six major sources subject to the rule, as noted in section 1(b) above.

The estimates of total technical labor hours per year per source and the number of activities per respondent per year listed in the table are based upon experience with similar information collection requirements in other standards development efforts and the number of emission points in each source.

b. Estimating Respondent Costs

The information collection activities for each ongoing year for the sources subject to the POTW NESHAP are presented in Table 1b. This ICR uses the following labor rates: \$85.81 per hour for Executive, Administrative, and Managerial labor; \$57.12 per hour for Technical labor, and \$36.27 per hour for Clerical labor. These rates are from the United States Department of Labor, Bureau of Labor Statistics, March 2001, "Table 10. Private industry, by occupational and industry group." The rates are from column 1, "Total compensation." The wage rates have been increase by 110% to account for the benefit packages available to those employed by private industry as follows:

Managerial \$85.81 (\$40.86 + 110%)

Technical \$57.12 (\$27.20 + 110%)

Clerical \$36.27 (\$17.27 + 110%)

It is estimated that 85% of the respondent burden hours is

technical; 5% management; 10% clerical. Using the above labor rates, the average hourly cost is \$56.47.

c. Estimating the EPA's Burden and Cost

Because the information collection requirements were developed as an incidental part of POTW NESHAP development, no costs can be attributed to the development of the information collection requirements.

Because recordkeeping and reporting requirements on the part of the respondents are required under §112 of the CAA, no operational costs will be incurred by the Federal government. Publication and distribution of the information are part of the AFS operated and maintained by OAQPS, with the result that no Federal costs for AFS will be directly attributed to the ICR.

The only costs to the Agency are those costs associated with analysis of the reported information. Publication and distribution of the information are part of the AFS program. Examination of records to be maintained by the respondents will occur as part of the periodic inspection of sources, which is part of EPA's overall compliance and enforcement program.

The annual ongoing Agency cost for the ICR are presented in Table 2. This cost is based on the average hourly labor rates times a 1.6 benefits multiplication factor to account for government overhead expenses as follows:

Managerial \$51.62 (GS-13, Step 5, \$32.26 x 1.6)

Technical \$38.30 (GS-12, Step 1, \$23.94 x 1.6)

Clerical \$20.72 (GS-6, Step 3, \$12.95 x 1.6)

Again, for this analysis, it is assumed that each labor hour is composed of 5 percent management, 85 percent technical, and 10 percent administrative, for an average hourly wage rate of \$37.21.

Examination of records to be maintained by the respondents will occur incidentally as part of the periodic inspection of sources that is part of the EPA's overall compliance and enforcement program and, therefore, is not attributable to the ICR. The only costs that the Federal government will incur are user costs associated with the analysis of the reported information. These are presented in Tables 2.

d. Bottom Line Burden Hours and Costs/Master Tables

I. The Simple Collection. The bottom line respondent burden hours and costs, presented at the bottom of Table 1a. Based on the calculations shown in the table, the annual nationwide burden for major sources for the POTW NESHAP is estimated to be 216 total labor hours per year at a cost of \$12197.52 per year.

The total estimated annual labor hour reporting and recordkeeping burden is presented in Box 13 of OMB 83-1 (Revised 10/95). This is based on the annual average total hour estimate presented in Table 2.

The total estimated annualized costs for the reporting and recordkeeping burden are presented in Box 14 of OMB 83-1 (Revised 10/95).

ii. The EPA Tally. The bottom line Federal government burden hours and costs, presented in Table 2 for major sources, are calculated by adding total person-hours and costs in the

table. The total annual Federal government labor hours and costs of the POTW NESHAP is estimated to be 48 total labor hours per year at a cost of \$1786.08 per year.

iii. The Complex Collection. This section does not apply since this is a simple collection.

iv. Variations in the Annual Bottom Line. Variation in the annual bottom line for this regulation may occur if new major sources are identified.

e. Reasons for Change in Burden

The burden estimate has been updated in accordance with the explanation in section 1b for six facilities instead of one that are subject to the rule requirements, and to reflect the application of the requirements on an ongoing annual basis rather than an initial startup burden requirement.

f. Burden Statement

This ICR is for new major HAP emission sources in the POTW source category. All new sources must be in compliance with the POTW NESHAP upon startup or the promulgation date, whichever is later. Generally, respondents are required to submit one-time reports of (1) start of construction for new facilities and (2) anticipated and actual start-up dates for new facilities. For sources constructed or reconstructed after the effective date of the relevant standard, the regulation requires that the source submit an application for approval of construction or reconstruction. The application is required to contain information on the air pollution control that will be used for each potential HAP emission point.

For POTW facilities, the public reporting and recordkeeping burden is estimated to average 216 hours per respondent per year. This estimate includes time for preparing and submitting notices, preparing and submitting demonstrations and applications, reporting releases, gathering information, and preparing and submitting reports. No capital costs are anticipated.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested

methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID No. OECA-2003-0002, which is available for public viewing at the Enforcement and Compliance Docket and Information (ECDIC), Email: docket@oeqa@epa.gov; mail code 2220T in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Enforcement and Compliance Docket and Information (ECDIC), Docket is (202) 566-1514. An electronic version of the public docket is available through EPA Dockets (EDOCKET) at <http://www.epa.gov/edocket>. Use EDOCKET to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select search then key in the docket ID number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Office for EPA. Please include the EPA Docket ID No. OECA-2003-0002 and OMB control number 2060-0428 in any correspondence

PART B OF THE SUPPORTING STATEMENT

Not applicable. No sampling or other methods are used to select respondents because all owners and operators of facilities subject to the POTW NESHAP are required to collect information.

TABLE 1: ANNUAL INDUSTRY BURDEN FOR NESHAP for Publicly Owned Treatment Works (POTW)

Reporting/Recordkeeping	Hours per Occurrence (A)	Occurrences/ respondent/ year (B)	Hours/ Respondent/ year (C=A x B)	Respondents per year (D)	Hours per year (E = C x D)	Cost/ year ^a (F=E x \$56.47)
1. APPLICATIONS		N.A.				
2. SURVEY AND STUDIES		N.A.				
3. REPORTING REQUIREMENTS						
A. <u>Read Instructions</u>	2	1	2	6	12	\$677.64
B. <u>Required Activities</u>						
Initial notification (new plants)	2	0	0	0	0	
Compliance status notification	2	1	2	6	12	\$677.64
C. <u>Create Information</u>		Included in 3B				
D. <u>Gather Existing Information</u>		Included in 3E				
E. <u>Semi-annual summary report</u>						
Prepare report	2	1	2	6	12	\$677.64
Notification of actual startup		N.A.				
Notification of initial performance test		Included in 3B				
Report of performance test		Included in 3B				
Excess Emission Reports						
Notification of operational changes		N.A.				
SUBTOTAL					36	\$2032.92
4. RECORDKEEPING REQUIREMENTS						
A. <u>Read Instructions</u>		Included in 3A				
B. <u>Plan Activities</u>	4	1	4	6	24	\$1355.28
C. <u>Implement Activities</u>						
Design Analysis	10	1	10	6	60	\$3388.20
Performance test		N.A.				
D. Develop Record System						
Control Equipment	4	1	4	6	24	\$1355.28
E. Record operating parameters						
Control device design	4	1	4	6	24	\$1355.28
Control equipment inspection	1	2	2	6	12	\$677.64
Control equipment monitoring	1	2	2	6	12	\$677.64
F. Train Personnel	4	1	4	6	24	\$1355.28
G. Audits		N.A.				
TOTAL ANNUAL BURDEN			36		216	\$12197.52

Assumptions:

- a. Number of new affected facilities per year: 0
- b. Number of existing affected facilities per year: 6
- c. Technical labor rate (Bureau of Labor Statistics): \$56.47 / hr (See section 6b.)

TABLE 2: AVERAGE ANNUAL AGENCY BURDEN FOR NESHAP for Publicly Owned Treatment Works (POTW)

Reporting/Recordkeeping Requirements	EPA hrs/ occurrences (A)	Occurrences plant/year (B)	EPA hr/ plant/year (C=AxB)	Plants/ year (D)	EPA hrs/year (E=CxD)
<u>Initial Notification</u>					
New Plant	2	0	0	0	0
<u>Compliance Status Notification</u>					
New Plant	N.A.				
<u>Report Review</u>					
New Plant					
Compliance Status Notification	4	0	0	0	0
Notification of initial startup	N.A.				
Notification of actual startup	N.A.				
Semi-annual summary report	2	0	0	0	0
Review test results	N.A.				
Existing Plant					
Compliance Status Notification	4	1	4	6	24
Semi-annual summary report	2	2	4	6	24
TOTAL ANNUAL HOUR					48

Travel expenses

(1 person x 0 plant/year x 0 days/plant x \$100 per diem) + (\$350 round trip/plant x 0 plant/year) = \$0 /year

Salary

(48 hrs/year x \$37.21/hr) = \$1786.08

TOTAL ANNUAL BURDEN = \$1786.08

N.A. = Not Applicable

Assumptions:

- h. Number of new plants (per year): 0
- i. Number of existing plants subject to rule: 6
- j. EPA's labor rate at \$37.21/ hr (See section 6c.)